

Union Calendar No. 42

112TH CONGRESS
1ST SESSION**H. R. 1383****[Report No. 112–81]**

To temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2011

Mr. MILLER of Florida (for himself and Mr. STUTZMAN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 20, 2011

Additional sponsors: Mr. BISHOP of New York, Mr. RUNYAN, Mr. HANNA, Mr. JOHNSON of Ohio, Mr. CONYERS, Mr. ISRAEL, Mr. REHBERG, Mrs. ADAMS, Mrs. MCCARTHY of New York, and Mr. SERRANO

MAY 20, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring GI Bill Fair-
 5 ness Act of 2011”.

6 **SEC. 2. PRESERVATION OF HIGHER RATES FOR TUITION**
 7 **AND FEES FOR PROGRAMS OF EDUCATION AT**
 8 **NON-PUBLIC INSTITUTIONS OF HIGHER**
 9 **LEARNING PURSUED BY INDIVIDUALS EN-**
 10 **ROLLED IN SUCH PROGRAMS PRIOR TO**
 11 **CHANGE IN MAXIMUM AMOUNT.**

12 (a) IN GENERAL.—Notwithstanding paragraph
 13 (1)(A)(ii) of section 3313(c) of title 38, United States
 14 Code (as amended by the Post-9/11 Veterans Educational
 15 Assistance Improvements Act of 2010 (Public Law 111–
 16 377)), the amount payable under that paragraph (or as
 17 appropriately adjusted under paragraphs (2) through (7)
 18 of that section) for tuition and fees for pursuit by an indi-
 19 vidual described in subsection (b) of an approved program
 20 of education at a non-public institution of higher learning
 21 during the period beginning on August 1, 2011, and end-
 22 ing on July 31, 2014, shall be the greater of—

23 (1) \$17,500; or

24 (2) the established charges payable for the pro-
 25 gram of education determined using the table of the

1 Department of Veterans Affairs entitled “Post-9/11
 2 GI Bill 2010–2011 Tuition and Fee In-State Maxi-
 3 mums”, published October 27, 2010 (75 Fed. Reg.
 4 66193), as if that table applied to the pursuit of the
 5 program of education by that individual during that
 6 period.

7 (b) COVERED INDIVIDUALS.—An individual described
 8 in this subsection is an individual entitled to educational
 9 assistance under chapter 33 of title 38, United States
 10 Code, who, on or before April 1, 2011, was enrolled in
 11 a non-public institution of higher learning in a State in
 12 which—

13 (1) the maximum amount of tuition per credit
 14 in the 2010–2011 academic year, as determined pur-
 15 suant to the table referred to in subsection (a)(2),
 16 exceeded \$700; and

17 (2) the combined amount of tuition and fees for
 18 full-time attendance in the program of education in
 19 such academic year exceeded \$17,500.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “approved program of education”
 22 has the meaning given that term in section 3313(b)
 23 of title 38, United States Code.

24 (2) The term “established charges”, with re-
 25 spect to a program of education, means the actual

1 charges (as determined pursuant to regulations pre-
 2 scribed by the Secretary of Veterans Affairs on the
 3 basis of a full academic year) for tuition and fees
 4 which similarly circumstanced nonveterans enrolled
 5 in the program of education would be required to
 6 pay.

7 (3) The term “institution of higher learning”
 8 has the meaning given that term in section 3452(f)
 9 of title 38, United States Code.

10 **SEC. 3. LIMITATION ON COST OF LIVING INCREASES FOR**
 11 **CERTAIN EDUCATIONAL ASSISTANCE PRO-**
 12 **GRAMS OF THE DEPARTMENT OF VETERANS**
 13 **AFFAIRS.**

14 During the 24-month period beginning on August 1,
 15 2011, the maximum amount of the monthly stipend pay-
 16 able under subparagraph (B) of paragraph (1) of sub-
 17 section (c) of section 3313 of title 38, United States Code,
 18 is the amount payable under clause (i) of such subpara-
 19 graph on August 1, 2011. Upon the expiration on the 24-
 20 month period, the amount of such monthly stipend shall
 21 be the amount otherwise authorized under section
 22 3313(c)(1)(B) of title 38, United States Code.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Restoring GI Bill Fair-*
 25 *ness Act of 2011”.*

1 **SEC. 2. PRESERVATION OF HIGHER RATES FOR TUITION**
 2 **AND FEES FOR PROGRAMS OF EDUCATION AT**
 3 **NON-PUBLIC INSTITUTIONS OF HIGHER**
 4 **LEARNING PURSUED BY INDIVIDUALS EN-**
 5 **ROLLED IN SUCH PROGRAMS PRIOR TO**
 6 **CHANGE IN MAXIMUM AMOUNT.**

7 (a) *IN GENERAL.*—Notwithstanding paragraph
 8 (1)(A)(ii) of section 3313(c) of title 38, United States Code
 9 (as amended by the Post-9/11 Veterans Educational Assist-
 10 ance Improvements Act of 2010 (Public Law 111–377)), the
 11 amount payable under that paragraph (or as appropriately
 12 adjusted under paragraphs (2) through (7) of that section)
 13 for tuition and fees for pursuit by an individual described
 14 in subsection (b) of an approved program of education at
 15 a non-public institution of higher learning during the pe-
 16 riod beginning on August 1, 2011, and ending on July 31,
 17 2014, shall be the lesser of—

- 18 (1) \$27,000; or
 19 (2) the established charges payable for the pro-
 20 gram of education.

21 (b) *COVERED INDIVIDUALS.*—An individual described
 22 in this subsection is an individual entitled to educational
 23 assistance under chapter 33 of title 38, United States Code,
 24 who, on or before April 1, 2011, was enrolled in a non-
 25 public institution of higher learning in a State in which—

1 (1) *the maximum amount of tuition per credit*
2 *in the 2010–2011 academic year, as determined using*
3 *the table of the Department of Veterans Affairs enti-*
4 *tled “Post-9/11 GI Bill 2010–2011 Tuition and Fee*
5 *In-State Maximums”, published October 27, 2010 (75*
6 *Fed. Reg. 66193), exceeded \$700; and*

7 (2) *the combined amount of tuition and fees for*
8 *full-time attendance in the program of education in*
9 *such academic year exceeded \$17,500.*

10 (c) *DEFINITIONS.—In this section:*

11 (1) *The term “approved program of education”*
12 *has the meaning given that term in section 3313(b)*
13 *of title 38, United States Code.*

14 (2) *The term “established charges”, with respect*
15 *to a program of education, means the actual charges*
16 *(as determined pursuant to regulations prescribed by*
17 *the Secretary of Veterans Affairs on the basis of a full*
18 *academic year) for tuition and fees which similarly*
19 *circumstanced nonveterans enrolled in the program of*
20 *education would be required to pay.*

21 (3) *The term “institution of higher learning” has*
22 *the meaning given that term in section 3452(f) of title*
23 *38, United States Code.*

1 **SEC. 3. LIMITATION ON COST OF LIVING INCREASES FOR**
2 **CERTAIN EDUCATIONAL ASSISTANCE PRO-**
3 **GRAMS OF THE DEPARTMENT OF VETERANS**
4 **AFFAIRS.**

5 *During the 24-month period beginning on October 1,*
6 *2011, the maximum amount of the monthly stipend payable*
7 *under subparagraph (B) of paragraph (1) of subsection (c)*
8 *of section 3313 of title 38, United States Code, is the*
9 *amount payable under clause (i) of such subparagraph on*
10 *August 1, 2011. Upon the expiration on the 24-month pe-*
11 *riod, the amount of such monthly stipend shall be the*
12 *amount otherwise authorized under section 3313(c)(1)(B)*
13 *of title 38, United States Code.*

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